

Letter to Wm Colby from

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requesting advice re
ILLEGIBL

Jan 13, 1982

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13 January 1982

Mr. William Colby

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Dear Mr. Colby:

Carolyn and I have identified two points to be considered before a proposal to benefit already divorced wives is written--certainly, there are many others. If you have time, would you give some thought to them?

First: We know of several cases in which the wife was told by her lawyer that under the law at the time of divorce she had no claim to survivor or annuity benefits. She therefore signed a waiver to any such rights.

1. Could she give away something that she did not legally have?
2. Can divorce settlements be modified or cases be reopened, if the husband refuses to give the divorced spouse any share of such benefits? (Most former husbands do refuse.)

Over radio news this week, a news story--imperfectly heard--told of a wife who sued for her share of the worth of a law degree. She had supported her husband during his years in law school. \$112,000 was the value put on the degree; \$65,000 her share.

Second: If the means test is taken out of the proposed draft, we know that the concept of benefits for former wives will be more difficult to sell in Congress, since it is commonly believed there, as noted in Congressional testimony, that "all Foreign Service wives come from wealthy families and do not need money." Would an unwise precedent be established if we ask for (and get) a higher means test? For example, an annuity of \$7,500 per annum is proposed, as before. But the income level at which added income reduces the benefit is set at the level the wife could have expected to receive if she had remained married. This sum would be determined by the Civil Service grade of the officer at the time of divorce. K
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Or--eliminating any means test--could she be considered to have earned in her own right the retirement benefits of a journeyman-level Civil Service employee (GS-12 or her husband's level, which ever is lower) multiplied by the number of years overseas. Her training and experience and service could approximate such a job level, I think. This would generate a very small sum in most cases.

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Either way, the wife could work for the years before she reaches retirement age and perhaps build a total retirement that would keep her in her own home.

We'd appreciate your evaluation of these ideas.

We are continuing to gather histories and have several more. We're also anticipating one from Barbara.

I am writing this week to friends in Minnesota political circles concerning a possible meeting with Senator Durenberger.

We will be glad to meet with you at your convenience. Need your guidance on the next steps to be taken.

Our thanks, again.

Sincerely,

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